



## **HUMAN RESOURCES OFFICE TECHNICIAN / AGR ADMINISTRATIVE INSTRUCTION**

Number: 04-14

23 March 2004

### **Use of Non-Dual Status Technicians to Backfill Deployed Status Positions During Emergency and Contingency Operations**

1. In light of ongoing contingency operations and declaration of a National State of Emergency, the Directorate for Human Resources may backfill a Dual Status (DS) technician position with a Non-Dual Status (NDS) employee using emergency hiring flexibilities when the incumbent has been deployed with his/her compatible military position. Additionally, the following conditions must be met prior to any appointment action:

a. The DS technician must be deployed, not-in-place, in support of current emergency or contingency operations.

b. All NDS technicians hired to backfill a DS position must be hired temporarily under Emergency Hiring Flexibilities covered in paragraph 3 below.

c. The respective NGB functional manager must approve all NDS waivers to DS Position Descriptions. The Directorate for Human Resources coordinates this with NGB-J1-TNS who in turn coordinates the waiver with the functional manager.

d. Request to exceed NDS target allocations, to include temporary hires, must be coordinated between the Directorate for Human Resources and NGB-J1-TNS.

e. NDS position descriptions must be developed/approved by the NGB Position Management and Classification Division (NGB-J1-TNC). DS position descriptions are not approved for use by NDS employees. NDS positions established for this purpose will be limited to the incumbent of the position for the specified time period of the appointment.

f. A reasonable effort must be made to fill the DS position with a military member meeting the DS criteria prior to filling the position with an NDS incumbent. Requests for NDS backfill of mobilized DS employees must address the efforts at the local level and/or vacancy announcements to fill the mission need.

2. Management of NDS opportunities is based on the national NDS ceiling (currently 1950 employees ANG and ARNG) and the state's respective allocation (California is allocated 79 permanent allocations). Allocation of temporary NDS opportunities is on a case-by-case basis and processed through the Directorate for Human Resources to NGB. Typically, all emergency hire temporary NDS employees are released at the end of the last full pay period in September. They may be reappointed the following fiscal year (October) if the mission need still exists (reappointment requires prior NGB concurrence).

CAJS-HR

SUBJECT: Use of Non-Dual Status Technicians to Backfill Deployed Status Positions  
During Emergency and Contingency Operations

3. NDS Appointment Authorities:

a. Temporary Emergency Need (until the President or Congress terminates the state of national emergency) – Under 5 CFR 213.3102(i)(3), the Directorate for Human Resources may fill on a temporary basis for up to one year, or extend for an additional period not exceeding one more year, positions affected by or needed to deal with the aftermath of the attacks.

b. 30-Day Critical Need – Under 5 CFR 213.3102(i)(2), the Directorate for Human Resources may make 30-day appointments. Appointments under this authority can be extended for one additional 30 day time period.

4. Appointments under emergency hiring flexibilities are exceptions to traditional competitive appointments. Therefore qualifications are determined by the Directorate for Human Resources. Technicians hired under this guidance are afforded the same rights, opportunities and privileges of other National Guard Technicians with similar status. Additionally, appointments under these authorities are exempted from mandatory placement provisions of the Defense Priority Placement Program.

5. Reemployed Annuitants – In addition, OPM and NGB have delegated exception authority to dual compensation limits for the temporary reemployment of former Federal employees who have retired, in order to deal with emergency situations or to supplement the workforce. Persons being considered for exceptions **must be the only qualified candidates available for the positions and possess expertise and special qualifications.** This applies to placement in either NDS or DS positions. Accordingly, hiring of annuitants is subject to the following conditions:

a. Noted problems exist with staffing a temporary position that executes functions such as those required to backfill essential full time support positions or to staff surge missions due to the need to protect the country, or support mobilizations under this emergency.

b. Requests for exception to policy will be considered on a case by case basis for temporary positions not to exceed one year.

c. The annuitant must have declined an offer to take the position without an exception to policy.

d. Requests for exceptions to policy must be in writing to the Directorate for Human Resources and include the following:

1) Annuitants name, civil service retirement number, and his/her statement declining employment without a waiver.


2) The position's title, pay plan, series, grade, not-to-exceed date and location.

3) A brief statement describing how the positions duties directly and solely support the state's response to the attacks or its aftermath.

CAJS-HR

SUBJECT: Use of Non-Dual Status Technicians to Backfill Deployed Status Positions  
During Emergency and Contingency Operations

6. For additional information, contact CMSgt Michael Hunt at DSN 466-3354, or (916) 854-3354;  
or TSgt Kenneth Cosgrove at DSN 466-3598, or (916) 854-3598.

  
STUART D. EWING  
Captain, CA ANG  
Deputy Director for Human Resources

DISTRIBUTION:

Air: TA

Army: TA